

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/767,087 Confirmation No. 4599
Applicant : Harald MICHI et al.
Filed : January 29, 2004
Title : SPEED CONTROLLER HAVING SEVERAL OPERATING MODES
Art Unit : 3663
Examiner : Ronnie M. Mancho

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being electronically transmitted to the United States Patent and Trademark Office via the Office electronic filing system on: Date: 2/09/09
Signature: /Rita Hannan/
Rita Hannan

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

S I R:

This paper responds to the "Notice of Non-Compliant Amendment (37 CFR 1.121)" ("the Notification") dated January 8, 2009 in connection with the above-captioned application. The Notification contends that the "amendment document filed on 06 October, 2008 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4" because "Applicants did not declare that no new matter has been added." However, there is no requirement for Applicants to make such a declaration in an amendment; instead, the declaration requirement is only found in connection with submission of a substitute specification. Applicants did not submit any substitute specification and/or make any specification changes. Accordingly, the "Notice of Non-Compliant Amendment" is clearly an error.

It is further noted that the supervisory Examiner Kyo Trung was contacted regarding this erroneous Notification, and the Examiner did respond by stating that he would have Examiner Ronnie Mancho contact us and withdraw the Notice. Another attempt was made to contact Ronnie Mancho, but he never responded to our contact nor did he contact us.

It is believed that no fees are due in connection with this Response. However, should any fees be due, the Commissioner is authorized to charge the deposit account of **Kenyon & Kenyon LLP**, Deposit Account No. **11-0600** for such fees.

Respectfully submitted,

/Jong H. Lee/

Dated: February 9, 2009

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